REMARKS

Summary of Office Action

Claims 1-18 and 42-50 were pending in this application. Claims 1-18 and 42-50 were finally rejected under 35 U.S.C. § 103(a) as being obvious from Thomas et al. U.S. Patent No. 5,666,645 ("Thomas").

Summary of Examiner Interview

Applicants and applicants' undersigned representative, Peter Snell, wish to thank the Examiner for the courtesies extended during the interview conducted on January 7, 2004 at the U.S. Patent and Trademark Office. During the interview, the Examiner found persuasive applicants' arguments in support of the patentability of claims 1-18 and 42-50 over Thomas, and requested that applicants place the arguments in written form for more detailed consideration by the Examiner. The discussion that appears below formed, for the most part, the basis of the interview.

Summary of Applicants' Claimed Invention

Applicants' invention, as defined by independent claims 1, 10, and 42, is directed towards a system, method, and

machine readable medium for error-checking program data when constructing program schedules using a program schedule grid. Program schedules are constructed at television system computers by personnel placing program data accessed from a database into cells of the program schedule grid. As the program schedules are being constructed they are error-checked in real-time at at least one of the television system computers. For example, as someone is placing a program listing into a particular cell (representing a time-slot for a channel) of the program schedule grid, applicants' claimed invention may perform an error-check to make sure that placing the program listing into that cell is appropriate. If, for example, the placement of the program listing is not appropriate, an error message may be displayed and the action may not be allowed to complete.

Applicants' Reply to the § 103 Rejections

Claims 1-18 and 42-50 were finally rejected under 35 U.S.C. § 103(a) as being obvious from Thomas. These rejections are respectfully traversed.

Thomas describes an automated data collection (ADC) subsystem 10 that filters received program schedules based on the needs of target devices supported by the Thomas system

(e.g., based on which television stations are provided by one or more cable headends), and places the filtered program schedules in EPG database 90 (Thomas' specification, col. 4, lines 1-6 and col. 5, lines 52-57). Thomas also describes a "text fit" process for determining, based on data indicating the field sizes made available by target devices, which fields of the program schedules require editing (Id. at col. 8, lines 9-35 and col. 10, lines 32-35). Thomas describes a manual entry and corrections (MEC) subsystem 20 that allows an operator to make changes to the program schedules stored in EPG database 90 (Id. at col. 7, line 21 to col. 8, line 2).

The Office Action contends that the Thomas text fit process is performed "during" the Thomas' ADC subsystem 10 process, and further contends that this suggests applicants' claimed feature of error-checking program schedules in real-time as the program schedules are constructed (Office Action § 2).* The Office Action relies only on col. 10, lines 20-22 and 30-33 of Thomas to support these contentions. Applicants respectfully disagree.

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* In particular, the Office Action contends that "ADC . . . [and] the text fit processor for determining field sizes . . . suggests that the grids are checked prior to completion and during assembly."

In particular, the portion of Thomas on which the Office Action relies merely states that both the text fit process and ADC subsystem 10 process consult configuration data in the course of performing their respective tasks. This portion does not indicate that the text fit process is performed "during" the ADC subsystem 10 process as the Office Action suggests. This portion of Thomas reads as follows:

> configuration subsystem 50 is used to maintain information in the database related to distribution of the EPG to various providers.
>
> ...
>
> configuration data is consulted by the ADC processor in performing the function of collecting data for the database, the text fit processor to determine the field sizes for the different target devices

(Thomas' specification, col. 10, lines 20-22 and 30-33).

Moreover, applicants' claimed feature of error-checking program schedules in "real-time" as the program schedules are constructed requires more than merely performing an error-check "during" program schedule construction. This feature also requires that the error-check is performed causally with respect to the program schedule being constructed (e.g., error-checking a program listing as it is placed in the program

schedule grid).* This feature is not shown or suggested by the portion of Thomas upon which the Office Action relies, and the Office Action has failed to point to any other portion of Thomas which shows or suggests this feature.

Accordingly, applicants respectfully submit that the Thomas text fit process and ADC subsystem 10 process do not show or suggest the feature of error-checking program schedules in real-time as the program schedules are constructed as required by applicants' independent claims 1, 10 and 42.

The Office Action contends that Thomas' MEC subsystem 20 shows applicants' claimed feature of constructing program schedules by personnel placing program data into cells of a program grid (Office Action § 2).** Applicants respectfully disagree.

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* For example, the Dictionary of Communications Technology (2d ed. 1995) defines a "real time system" as one that "generates output nearly simultaneously with the corresponding inputs." Additionally, the illustrative quotation provided by Merriam-Webster's Collegiate Dictionary (10th ed. 2001) for the term "real time" indicates that data analyzed in real time is analyzed "as it comes in."

** In particular, the Office Action contends that "the EPG data is arranged in channel and time slot data grid format" and that "[m]anual entry and correction subsystem 20 involves personnel at the headend obtaining and applying . . . data in the EPG construction stage."

In particular, Thomas indicates that MEC subsystem 20 allows an operator to edit "entries" of EPG database 90 (Thomas' specification, col. 7, lines 27-31). The Office Action does not refer to any portion of Thomas that shows edits being made to the EPG database by the operator placing data into cells of a program grid as required by applicants' claims.

Furthermore, the "program grid" in Thomas to which the Office Action refers is not the same as the "program grid" required by applicants' claims. Thomas refers to displaying to end-users (i.e., television viewers) program grids containing program schedules that have already been constructed (Thomas' specification, col. 1, lines 33-37). These end-users do not use the program grids to construct the program schedules. In direct contrast, the program grids required by applicants' claims are displayed to personnel who use the program grids to construct program schedules. This is not to say that the program grids of applicants' claimed invention are not ultimately displayed to end-users.

Accordingly, applicants respectfully submit that Thomas' MEC subsystem 20 does not show or suggest the feature of constructing program schedules by personnel placing program data

into cells of the program grid as required by applicants' independent claims 1, 10, and 42.

Therefore, applicants respectfully submit that Thomas does not show or suggest the invention defined by applicants' independent claims 1, 10, and 42. Independent claims 1, 10, and 42 are therefore allowable over Thomas. Claims 2-9, 11-18 and 43-50, which depend from independent claims 1, 10 and 42, respectively, are allowable over Thomas for at least the reasons that the independent claims are allowable over Thomas.

Accordingly, applicants respectfully request that the rejections under 35 U.S.C. § 103 be withdrawn.

Conclusion

Applicants respectfully submit that the foregoing demonstrates that this application is in condition for allowance. Accordingly, prompt consideration and allowance of

this application are respectfully requested.

Respectfully submitted,

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